

EXHIBIT 2

JOSEPH BORGEN,

Plaintiff

v.

FAISAL ELEZZI;
WASEEM AWAUDEH;
MAHMOUD MUSA;
MOHAMMED OTHMAN;
“K.A.”, a Minor,

Defendants.

Pursuant to 28 U.S.C. Sec. 1746, David I. Schoen, hereby declares the following:

1. I am counsel for the Plaintiff, Joseph Borgen, in the above-captioned case.
2. After I filed the Complaint in this case, I retained the services of a duly licensed process server, based on New York.
3. I provided the process server with a copy of the Complaint and summons for Defendant Mahmoud Musa, along with the other documents I was required to serve on each defendant per the Court's Order [ECF# 5]. (Collectively "the papers").

4. On July 28, 2022, accompanied by a New York based attorney to observe, the process server waited for Defendant Musa at a court appearance he had at 100 Centre Street in Manhattan, on the criminal hate crime charges brought against him. The process server and the attorney observer approached Musa outside the courtroom and served the complaint, summon, and the other documents the Court had designated on Musa.
5. The foregoing is based on my phone conversation with the process server and the attorney observer, contemporaneously with the event, phone calls with them afterward, and the Proof of Service the process server provided to me and that I filed [ECF# 16].
6. I followed up by phone and email with the process server and the attorney observer and they confirmed this to me.
7. On October 6, 2022, Musa filed a Notice of Pro Se Appearance [ECF# 25]; but to date he has filed no pleading in response to the Complaint.
8. Based upon my investigation in this case, I declare that the Defendant Musa is not an infant, in the military, or an incompetent person.
9. Defendant Mahmoud Musa has failed to plead or otherwise defend the action.
10. The pleading to which no response was made (the Complaint) has been properly served.
11. I am providing this Declaration in support of Mr. Borgen's application for the

entry of default against Defendant Musa. I believe all requirements for the entry of a default have been met in this matter and respectfully request that a default be entered.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

/s/ David I. Schoen
David I. Schoen (DS 0860)
Counsel for Plaintiff Joseph Borgen